



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 12-508
Released: March 30, 2012

**COMMENTS INVITED ON APPLICATION OF AT&T SERVICES, INC. ON BEHALF
OF BELL SOUTH TELECOMMUNICATIONS, INC.; NEVADA BELL TELEPHONE
COMPANY; PACIFIC BELL TELEPHONE COMPANY AND SOUTHWESTERN BELL
TELEPHONE COMPANY TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

WC Docket No. 12-78
Comp. Pol. File No. 1034

Comments Due: April 30, 2012

Section 214 Application

Applicant: AT&T Services, Inc. on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast, Nevada Bell Telephone Company d/b/a AT&T Nevada, Pacific Bell Telephone Company d/b/a AT&T California and Southwestern Bell Telephone Company d/b/a AT&T Southwest

On **March 14, 2012**, **AT&T Services, Inc.** (AT&T or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its affiliates, **BellSouth Telecommunications, Inc. d/b/a AT&T Southeast, Nevada Bell Telephone Company d/b/a AT&T Nevada, Pacific Bell Telephone Company d/b/a AT&T California and Southwestern Bell Telephone Company d/b/a AT&T Southwest** (AT&T Affiliates), located at **4513 Western Avenue, Room 902, Lisle, IL 60532**, requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue a certain domestic telecommunications service throughout the AT&T Affiliates' service areas in Alabama, Arkansas, California, Florida, Georgia, Kansas, Kentucky, North Carolina, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, South Carolina, Tennessee and Texas (collectively Service Areas).¹

AT&T indicates that the AT&T Affiliates currently offer Data over Voice (DoV) service in the Service Areas pursuant to the terms in BellSouth Telecommunications Tariff FCC No. 1, Section 7; Nevada Bell Telephone Company Tariff F.C.C. No. 7, Section 22; Pacific Bell Telephone Company Tariff F.C.C. No. 7, Section 31 and Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Section 7. AT&T explains that DoV service is a local private line service that provides a derived channel on a customer's intra-exchange voice grade loop facility and allows the customer to transmit either synchronous or asynchronous data over the DoV channel simultaneously with voice transmission at speeds of 2.4, 4.8 or 9.6 Kbps. AT&T states, however, that the service utilizes outdated technology and has been replaced in the market by other data transport services such as DSL and IP-based services.

¹ AT&T's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on March 16, 2012.

AT&T indicates that the AT&T Affiliates currently do not have any customers for this service so they plan to discontinue DoV service in the Service Areas effective May 31, 2012, subject to Commission approval. AT&T maintains that the public convenience and necessity will not be harmed by the proposed discontinuance because there is no market demand for the service. AT&T asserts that it is non-dominant with respect to the service to be discontinued, but acknowledges that this application will be processed under the Commission's rules for dominant carriers.

In accordance with section 63.71(c) of the Commission's rules, AT&T's application will be deemed to be granted automatically on the 60th day after the release date of this public notice, unless the Commission notifies AT&T that the grant will not be automatically effective. In the application, AT&T indicates that the AT&T Affiliates plan to discontinue DoV service in the Service Areas effective May 31, 2012, subject to Commission approval. Accordingly, pursuant to section 63.71(c) and the terms of AT&T's application, absent further Commission action, the AT&T Affiliates may discontinue DoV service in the Service Areas on or after **May 31, 2012**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **April 30, 2012**. Such comments should refer to **WC Docket No. 12-78 and Comp. Pol. File No. 1034**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C.

20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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